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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,343	01/10/2000	Paul Allan Ryder	9D-EC-19343-Ryder	4209

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EXAMINER

JONES, HUGH M

ART UNIT	PAPER NUMBER
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2128

MAIL DATE	DELIVERY MODE
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02/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/480,343	RYDER, PAUL ALLAN	
	Examiner	Art Unit	
	Hugh Jones	2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 27-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 and 27-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. Claims 1-25, 27-41 of U. S. Application 09/480,343 filed on 10-February-2000, are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-25, 27-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda et al. in view of Allsop et al. (5,970,472; Applicant's IDS).

5. Fukuda et al. disclose managing building options, comprising:

obtaining from a first user an indication of at least one available new building option for constructing a new building;

causing the at least one available new building option to be electronically accessible to a second user;

providing information electronically on the at least one available new building option to the second user;

obtaining electronically from said the second user an indication of at least one choice from among the at least one available new building option; and

providing the indication of the at least one choice to said the first user;

wherein the indication of the at least one available new building option is obtained electronically;

wherein the indication of the at least one choice is provided to the first user electronically;

Fukuda: a networked interactive VR system for home and kitchen layout for customers. See abstract: "a Virtual Reality (VR) technology application, a networked VR-supported design system of a kitchen layout. This networked VR system was developed on personal computers to allow customers to design at home. With the VR system, customers can have a pseudo-experience of their "virtual kitchen", *modify the design of the kitchen*, and make decisions by being provided with a good idea of their potential purchase. The VR system will also play an important role in user interface in the House Design Advisory System. This system gives advice on house design, as well as on kitchen layout design, according to the customers' diversified lifestyles." See col. 2, page 93: "The VR allows customers to examine a design and make changes at an early stage in the process. Examples of VR applications are to be found in design, prototype, and space layout planning." See section 2 (layout design in the showroom); section 4 (VR system on the internet); section 5 (VR systems for customers))

4 PUTTING VR SYSTEMS ON THE INTERNET

We extend the VR system to be accessed on the internet and to correspond to the changing needs and values of consumer.

- The interface on the World Wide Web appears.
- A customer looks at the interface and selects each product interactively (1).
- If he/she wants to know the more information of a component product such as a function, a price, a size, and a photograph, he/she can see by clicking the product name. The detailed information including behavior are shown using multimedia (2).
- Each component product is selected over and over. When all products are selected, he/she may click the button named "finished!".
- The selected products are represented (3). If he/she wishes to experience the virtual world, he may click the button named "VR". Then he/she can experience the virtual world and review the first design with the existing photograph together (4).

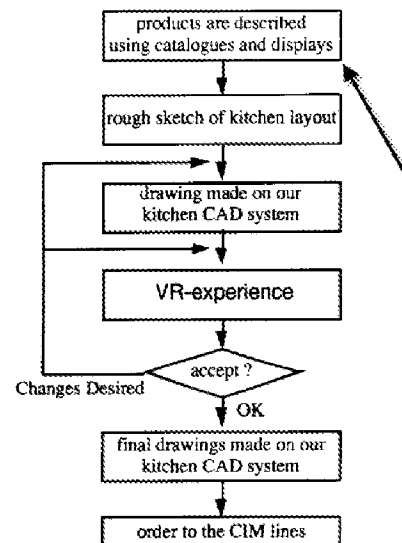


Figure 1: System Kitchen Planning Process

Figure 6: design process at home. 1) A customer looks at the interface on the World Wide Web and selects each product interactively; 2) If he/she wants to know the more information of a component product, he/she can see by clicking the product name; 3) When all products are selected, they are represented; 4) He/She can experience the virtual world and review the first design with existing photograph together; 5) If he/she wants to replace a component product, a design alternative palette is appeared by clicking the product in the virtual world; 6) When he/she selects a favorite product in the palette, it is loaded from a database on the network; 7) After designing, if he/she wishes, the VRML data is sent to the showroom; Gray Area) A system is under development employing a GA or AI..

wherein the first user inputs said the indication of the at least one available new building option at a first computing unit and said the second user inputs the indication of the at least one choice from among the at least one available new building option at a second computing unit coupled to the first computing unit via a communications network;

wherein the communications network is a global computer network;

wherein the at least one available option is electronically accessible to said the second user only if said the second user first electronically transmits a valid password.

4 PUTTING VR SYSTEMS ON THE INTERNET

We extend the VR system to be accessed on the Internet and to correspond to the changing needs and values of consumer.

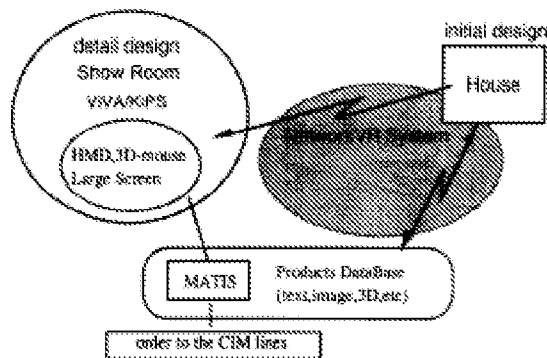


Figure 4. Network VR System

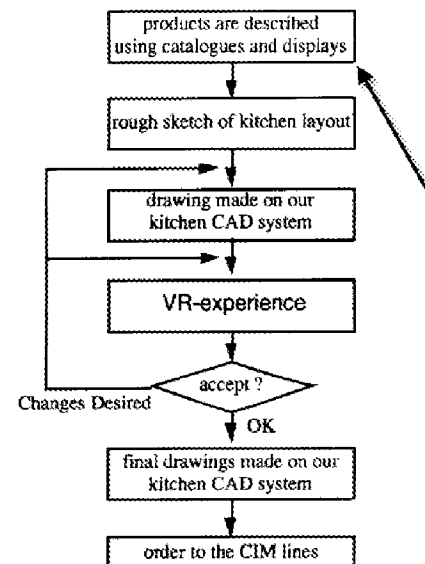


Figure 1: System Kitchen Planning Process

wherein the at least one available new building option comprises at least one building component;

further comprising electronically providing information on the at least one building component to said the second user;

wherein the at least one building component comprises a household appliance, and wherein the information comprises information relating to said the household appliance;

(Note fig. 1 and col. 2, page 95):

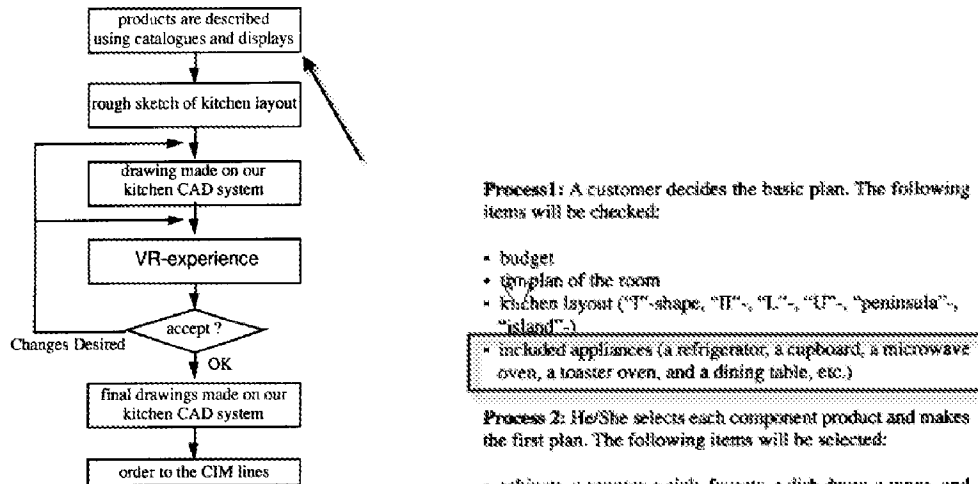


Figure 1: System Kitchen Planning Process

wherein the information comprises pricing information;

wherein the information comprises an image of the household appliance;

wherein said the information comprises performance information of said the household appliance;

further comprising electronically providing information on the at least one available new building option to said the second user;

wherein said the information comprises product category information;

(page 95, col. 2):


Process 1: A customer decides the basic plan. The following items will be checked:

- budget
- sample plan of the room
- kitchen layout ("I"-shape, "II"-, "L"-, "U"-, "peninsula"-, "island"-)
- included appliances (a refrigerator, a cupboard, a microwave oven, a toaster oven, and a dining table, etc.)


Process 2: He/She selects each component product and makes the first plan. The following items will be selected:

- cabinets, a counter, a sink, faucets, a dish dryer, a range, and a hood

page 96:

- Using the Anchor node, the information such as a size and a  of component products can be added. We can make hyper links between a 3-D object and a text, an image, a movie, a sound, and other 3-D objects.
- Using the Inline node, the necessary 3-D objects can be read from other database on the Internet.
- Using the Sensor or Interpolator node, the function of each component product can be explained effectively. For example, cabinet doors can be opened and closed.

page 98 :

- The interface on the World Wide Web appears.
- A customer looks at the interface and selects each product interactively (1).
- If he/she wants to know the more information of a component product such as a function, a  a size, and a photograph, he/she can see by clicking the product name. The detailed information including behavior are shown using multimedia (2).

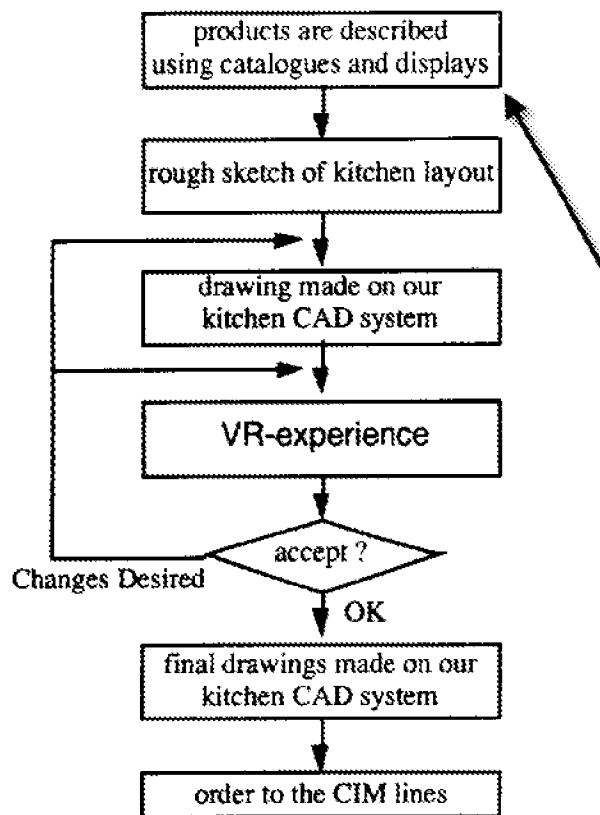


Figure 1: System Kitchen Planning Process

6. Fukuda et al. teaches all of the claimed elements but appears to be silent on whether authorization is required to access portions of the website.

7. Allsop et al. disclose the use of authorization to allow users access to portions of websites (col. 2, entire patent generally).

8. It would have been obvious to one of ordinary skill in the art at the time of the invention to carry out those steps because the use and advantages of this feature are well known to those skilled in the art, namely providing for internet security. In this respect, see col. 1 of Allsop et al.

9. Allowing for user authorization would have also been obvious because it is a choice from a finite number of identified, predictable solutions to the problem of internet security. "When there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp." KSR, 127 S. Ct. at 1742, 82 USPQ2d at 1397.

10. Variations on a theme are also obvious. As a further alternative, it would have been obvious because design incentives to solve the problem of internet security would have prompted a predictable variation in the prior art system of Fukuda et al. to apply the known principle of providing internet security, disclosed in Allsop et al., in order to allow a user access the internet site of Fukuda et al., with confidence that the transactions will be secure. "When a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, §103 likely bars its patentability." KSR, 127 S. Ct. at 1740, 82 USPQ2d at 1396.

Response to Arguments

11. Applicant's arguments, filed 11/9/2007, have been carefully considered and are not persuasive. Applicants are thanked for the amendment and arguments.

12. Applicant's arguments regarding the art are not persuasive. Please see updated rejection.

13. Any inquiry concerning this communication or earlier communications from the examiner should be:

directed to: Dr. Hugh Jones telephone number (571) 272-3781,
Monday-Thursday 0830 to 0700 ET,

or

the examiner's supervisor, Kamini Shah, telephone number (571) 272-2279.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, telephone number (703) 305-3900.

mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051 (for formal communications intended for entry)

or (703) 308-1396 (for informal or draft communications, please label *PROPOSED* or *DRAFT*).

Respectfully submitted,

/Hugh Jones/

Primary Examiner, Art Unit 2128

February 12, 2008